IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 17708 of 2007(G)

PETITIONER:

UMMER RAFEEQUE,
PROPRIETOR, M/S. UNITY COMMUNICATIONS,
OLD THEVARA ROAD, COCHIN-16.

BY ADV. SRI.N.J.JOHNSON

RESPONDENT:

THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

W.P(C) NO. 17708 OF 2007 - G

Dated this the 11th day of June, 2007

J U D G M E N T

The petitioner's grievance in this writ petition is that although Ext.P4 is only a show cause notice, he is constrained to approach this Court since in spite of filing Ext.P5 explanation, the respondent without passing any orders pursuant to Ext.P4 is intercepting the vehicle on the very same allegation which is the subject matter of Ext.P4 without considering the explanation submitted by the petitioner.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

3. When a show cause notice has been issued and explanation has been submitted by the petitioner, the respondent ought to have passed a final order pursuant to Ext.P4 before proceeding further to intercept the petitioner's vehicle. Accordingly, I direct that without passing a speaking order pursuant to Ext.P4, after considering the objections of the petitioners and affording him an opportunity of being heard, no

further proceedings shall be taken for intercepting the vehicle.

The writ petition is disposed of with the above direction.

S.SIRI JAGAN,
Judge

Mbs/